

Auto Accident Vehicle (Property) Damage and Small Claims Court Action

Legislation passed in 2013, which became effective on May, 14 2013, provides claimants with the ability to resolve automobile property damage value disputes without limiting the ability to make another claim against the same individual in regards to bodily injury.

The law amends Title 78A Judiciary and Judicial Administration, Chapter 8 Small Claims Courts, Section 102 Small claims -- Defined -- Counsel not necessary -- Removal from district court -- Deferring multiple claims of one plaintiff -- Supreme Court to govern procedures.

The applicable section of the statute now reads:

[78A-102-8 \(5\)](#) Claims involving property damage to a motor vehicle may be maintained in small claims actions, and any removal or appeal thereof, without limiting the ability of a plaintiff to make a claim for bodily injury against the same defendant in a separate legal action. In the event that property damage claim is brought as a small claims action:

- (a) any liability decision in an original small claims action or appeal thereof is not binding in any separate legal action for bodily injury; and
- (b) no additional property damage claims can be brought in any separate legal action for bodily injury.

It will be necessary for you to read and understand the statute and how it will apply to your individual claim situation. The Department of Insurance is unable to provide legal advice or legal assistance. We suggest you speak with an attorney of your choosing if you have questions. You may want to contact the [Utah State Bar](#) for a referral or guidance on how best to proceed.